

**Notice of Allowability**

Application No.

09/770,694

Examiner

Nicholas D. Rosen

Applicant(s)

CONNORS ET AL.

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and remarks of March 25, 2008.
2. ☒ The allowed claim(s) is/are 1-13,15-24,26-35,37,39-43,45-48,51-62 and 64-81.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 4/29/2008
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Nicholas D. Rosen/  
Primary Examiner, Art Unit 3625

### **DETAILED ACTION**

Claims 1-13, 15-24, 26-35, 37, 39-43, 45-48, 51-62, and 64-81 have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 25, 2008 has been entered.

#### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Kent Chambers on April 29, 2008.

The application has been amended as follows: Claim 77 is hereby amended so that the preamble (first six lines) of claim 77 now read:

“A computer readable physical medium comprising product configuration information for multiple products stored in the computer readable physical medium, wherein the product configuration information includes product features and the computer readable physical medium comprises code stored therein to provide one or more product selections to a user in accordance with product related data provided by the user, wherein the code is executable by a processor to:”

***Allowable Subject Matter***

Claims 75, 1-13, 15-23, 73, and 76 are allowed.

Claims 77, 24, 26-35, 37, 39-43, 45-48, 74, and 78 are allowed.

Claims 79, 51-62, 64-69, and 80 are allowed.

Claims 81 and 70-72 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Gupta et al. (U.S. Patent 6,405,308), discloses a method of using a computer system to provide one or more product selections to a user in accordance with product related data provided by the user, including a searching a memory based on product features included in the product related data, the product related data representing one or more product features (although Gupta's method is for configuring products, not quite for identifying existing identified products). It is known to identify products identified by a product model identifier, as in Perkowski (U.S. Patent 5,918,214). However, there is no teaching or suggestion in the prior art of record, or the knowledge generally available to one of ordinary skill in the art of electronic commerce

to combine Gupta, Perkowski, or other prior art of record so as to arrive at a method which, in addition to including the steps of receiving product related data from the user via a data processing system and providing identified products to the user for display by the data processing system, also comprises identifying products stored in a memory based on two different types, (A) and (B), of product identification, wherein the memory stores product configuration information for multiple products, the product configuration information includes product features, and the two different types of product information comprise: (A) searching for products in the memory based on product features included in the product related data if the product related data represents the one or more product features; and identifying one or more products stored in the memory that each include the one or more features, if the product related data represents the one or more product features; and (B) identifying one or more products stored in the memory that are identified by a product model identifier, if the product related data represents the product model identifier.

Applicant's claims were formerly rejected using Smith (U.S. Patent 6,901,430) as the primary reference. The Smith '430 patent has a filing date of March 31, 2000, and claims priority to Provisional Application 60/163,755. The instant application was filed January 26, 2001, and claims at least partial priority, via a continuation in part, to Provisional Application 60/176,117. In response to Applicant's remarks, Examiner has verified that Provisional Application 60/176,117 provides support for the essential elements of the current independent claims, and Examiner has also verified that Provisional Application 60/163,755 does not provide support for essential disclosures of

the Smith '430 patent which would have to be supported if the Smith '430 patent were to be applied to Applicant's current claims.

The above has been written with particular reference to claim 79, the method claim, but the other independent claims, 75, 77, and 81, are essentially parallel, and allowed on the same grounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D. Rosen/  
Primary Examiner, Art Unit 3625  
May 1, 2008